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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,325	03/26/2004	Robert R. O'Brien	60001.0322US01/MS# 305662	9466
Leonard J. Hope Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 04/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,325	Applicant(s) O'BRIEN ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 18-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 18 and 20 are single means claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. **Claims 1-6 and 11-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al. (US 2003/0185369 A1) in view of Christensen (US 2005/0187781 A1).

Regarding **claim 1**, Oliver discloses a method for providing and utilizing an improved communications channel for establishing and maintaining a telephone conference [A conference call bridge lets a multiple people participate in a telephone conference, paragraph 0001], the method comprising:

receiving at a client computer a request to initiate a telephone conference, said request identifying two or more participants for the telephone conference [A request for a telephone conference call bridge is received from a client application to let a multiple people participate in a telephone conference, paragraph 0054];

in response to the request, transmitting a message including data for establishing the telephone conference between the participants to a messaging server computer [The CT server 220 transmit the reservation information, paragraph 0055];

Oliver fails to disclose receiving the instant message at the instant messaging server computer.

However, Christensen teaches receiving the instant message at the instant messaging server computer, and forwarding the instant message to a telephone conference gateway computer [The gateway received an instant message and creates a session for conferences, paragraph 0039];

receiving the instant message at the telephone conference gateway computer, extracting from the instant message the data for establishing the telephone conference, creating a web services request based on the data, and executing the web services request in order to establish the telephone conference [The web server provides access to the internet to establish a conference service, paragraphs 0039 and 0060].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Oliver using the teaching of instant messaging service as taught by Christensen.

This modification of the invention enables the system to receiving the instant message at the instant messaging server computer so that the customer would have presence information.

Regarding **claims 2 and 12**, Christensen teaches a method, wherein the instant message comprises a message formatted according to a session initiation protocol [The gateway received an instant message and creates a session for conferences, paragraph 0039].

Regarding **claims 3 and 13**, Oliver discloses a method, wherein the data for establishing the telephone conference comprises extensible markup language data formatted according to a simple object access protocol [The client application is associated with VXML, paragraph 0019].

Regarding **claims 4 and 14**, Christensen discloses a method, wherein the instant messaging server computer is operative to authenticate the client computer and the telephone conference gateway computer [The gateway received an instant message and creates a session for conferences, paragraph 0039].

Regarding **claims 5 and 15**, Oliver discloses a method, wherein extracting from the instant message the data for establishing the telephone conference comprises extracting the extensible markup language data and wherein creating a web services request based on the data comprises created a web services request based on the extensible markup language data [The client application is associated with VXML, paragraph 0019].

Regarding **claims 6, 16 and 17**, Oliver discloses a method, wherein executing the web services request in order to establish the telephone conference comprises transmitting the web services request to a conference web service, and wherein the conference web service is operative to cause a conference bridge to initiate the telephone conference according to the extensible markup language data [The web server provides access to the internet to establish a conference service, paragraph 0060].

Regarding **claims 11, 18, 19 and 20**, Oliver in combination with Christensen disclose all the limitations of claims 11, 18 and 19 as stated in claim 1's rejection above.

Furthermore Oliver discloses a system (FIG. 1).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turner is cited for a system and method for initiating conference call.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
April 8, 2008